



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: February 22, 2005

Department: Zoning, Building and Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: APPEAL: Special Use Permit for Public Utility Facility (Raw Water Pump Station)
(CO-50003/CSU-50003)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the January 12, 2005 public hearing, the County Planning Commission (CPC) voted (7-0) to recommend approval of the request for a Special Use Permit for a Public Utility Facility (Raw Water Pump Station) on a portion of Tract 98, MRGCD Map #22, located at 9521 Rio Grande Boulevard NW, between the river and Rio Grande Boulevard approximately 1,000 feet south of Alameda Boulevard, containing approximately 1.4 acres. The decision was based on seven (7) Findings and ten (10) Conditions (see Attachment 1).

During the January hearing, the CPC considered the request for the Public Utility Facility that will serve one component of the San Juan-Chama water project, which has been planned by the City of Albuquerque Water Resources Division. Once completed the facility will be operated by the City of Albuquerque/Bernalillo County Water Utility and will utilize surface water to supply a majority of the region's potable water. The facility itself will consist of the pump to be housed in a mission style building of about 12,800 square feet surrounded by extensive landscaping and fencing. The facility will be located on a 1.4 acre tract of land within the northwest corner of the 19 acre County Open Space (Bachechi Open Space), which currently has a Special Use Permit for an Equestrian Center and related facilities (CSU-81-31).

The CPC concluded that the request for a Special Use Permit for a Public Utility Facility is appropriate for the several reasons. First, the proposed use is consistent with the Albuquerque/Bernalillo Comprehensive Plan primary goal for Water Quality "to maintain a dependable, quality supply of water for the urbanized area's needs." Second, the request is consistent with the Albuquerque/Bernalillo County Groundwater Protection Policy and Action Plan Goal "Protect the Ground-water Resource" by helping protect the area's groundwater by providing an alternate source of potable water. Finally, the request is consistent with the Alameda Design Overlay Zone architectural requirements. In addition, prior to the submittal of this request, several meetings took place with neighborhood representatives regarding the proposed facility and the surrounding Open Space area, and one public meeting was held concerning the project.

The previous owner of the subject property is now appealing the CPC recommendation for four reasons (Attachment 3, pp.65-72). First, the appellant states that the request violates a Real Estate Agreement approved by the Board of County Commissioners in 1999 that states the conveyance of the land was for purposes of open space (see Attachment 3, pp.68-71). Second, he states the subject property is within the City of Albuquerque and is subject to City zoning ordinances and that this request appears to violate the City's provision for open space. Third, the appellant states that the City of Albuquerque Water Utility

Department does not have standing to request the Special Use Permit because the County not the City owns the property. Finally, the appellant contends that the facility could be located somewhere else.

The applicant has responded to the appeal statement (see Attachment 4, pp.75-78). The response states the following: 1) the agreement between the appellant and Bernalillo County regarding the Open space does not specify allowable uses; 2) both the City and County have adopted plans that allow for the location of public utility facilities within open space areas; 3) the Bachechi Open Space is located in the unincorporated area of Bernalillo County; 4) Bernalillo County provided authorization of the City of Albuquerque to request the Special Use Permit for the Public Utility Facility (see Attachment 2, p.38); and 5) an extensive process has taken place for the selection of the site and development of the broader San Juan-Chama Drinking Water Project involving the public and governmental agencies in accordance with the Albuquerque Water Resources Management Strategy.

Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 (see Attachment 7) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

ATTACHMENTS:

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| 1. County Planning Commission Notice of Decision Letter (January 18, 2005). | 3 |
| 2. County Planning Commission Information Packet. | 7 |
| 3. Appeal application and justification. | 59 |
| 4. Applicant's response to appeal. | 75 |
| 5. Resolution 116-86. | 79 |
| 6. Site Plan (Commissioners Only). | |

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Denial of Appeal.